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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,450	03/22/1999	EMMANUEL KANTERAKIS	GBTI54US	7148

7590 03/13/2002

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EXAMINER

BOCURE, TESFALDET

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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#12	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

1. In response to applicant's telephone inquiry regarding the "non-final office action" mailed on 2/27/2002, the following action has been taken:

THE RESPONSE PERIOD IS RESTARTED TO THREE MONTHS FROM THE DATE THIS CORRESPONDENCE IS MAILED..

2. A corrected office action which includes claims 33-42 and a correction to the proposed drawing correction marked in the PTO 326 which includes approval by the Examiner are included in this correspondence.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Bocure whose telephone number is (703) 305-4735.

TESALDET BOCURE
PRIMARY EXAMINER

Office Action Summary

Application No.

09/273,450

Applicant(s)

KANTERAKIS ET AL.

Examiner

Tesfaldet Bocure

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/22/99 & 7/27/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7, 9, 10, 12, 14, 15, 18, 20, 21, 24, 27, 29 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 9, 10, 12, 14, 15, 18, 20, 21, 24, 27, 29 and 33-42 is/are allowed.
- 6) ☐ Claim(s) 5, 6, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 26 September 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement received on August (one page) has been approved by the Examiner.

Drawings 2.

2. The corrected or substitute drawings were received on September 26, 2000. These drawings are approved by the Examiner.

Claim Objections

3. Claims 23 and 26 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claimed limitation in claims 23 and 26 is not further limiting to the claimed subject matter in claims 22 and 25.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5, 6, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esmailzadeh et al. (US patent number 6,163,533) in view of Ghilhousen et al. (US patent number 5,103,459).

Esmailzadeh et al. teaches a CDMA transmission system (see figures 6 and 7) having mobile units and base unit comprising means and steps for: transmitting by the mobile units an access preamble signal at an increasing power (power ramping); receiving the access power control signal by the base unit and detecting an acceptable power levels from the received ramp power, for communicating between the mobile and the base station, and handshaking (claimed ACK between the mobile and base units) thereafter; and commencing data communication

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between the base unit and mobile units at detected power level as in claims 5,6,31 and 32. See specification starting col. 1, line 35 through col. 3, line 38 and cols 5-7.

What Esmailzadeh et al. fails to teach is that: the base unit transmitting frame timing common over a sync. channel and authorizing the mobile unit as in claims 5,6,31 and 32; and the base units and mobile units having controller for controlling the claimed operation of the transmitters and receivers of the base units and mobile units as in claims 31 and 32.

Gilhousen for the same endeavor as the instant application and that of Esmailzadeh et al. teaches a communication system (fig. 1) for communicating spread spectrum communication signal (CDMA) between a plurality of base stations (12 and 14) and mobile stations (16 and 18) comprising: the base station transmitting a common timing signal (cols 5-6) to the mobile station; authorizing the plurality of mobile stations according to the timing signal (col. 6, lines 38-SS); and base station receiving data from the mobile station (see figure 2) as in claims 5,6,31 and 32.

Further to claims 31 and 32, Gilhousen also teaches that: the base station having a transmitter (56, 452), receiver (66, 434) and controller (48, 446). Wherein the controller (48, 446) controls the functions of the transmitter and receiver by: processing the received signals to and from respectively by the base unit and the mobile station, detects the power level of the received signal, transmitter (66) transmits data and power control signals to the mobile stations, and transmitting a common timing signal to the mobile station.

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Therefore it would have been obvious to one of an ordinary skill in the art to use the controller, timing synchronization and authorization of Gilhousen in the system of Esmailzadeh et al, for synchronizing the mobile unit to the timing of base station for effectively transmitting and receiving packet at the time the invention was made.

Allowable Subject Matter

6. Claims 7,9,10,12,14,15,18,20,21,24,27,29 and 33-42 are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Monday through Thursday the first week and Monday through Friday the second from 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 or 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TESFALDET BOCURE
PRIMA

